

## **REMARKS/ARGUMENTS**

Claims 1-8 are canceled. Claims 9-29 are newly added. Support for these new claims can be found at, e.g., page 8, 10-15, examples 1-2, and original claims 1-8. To facilitate the prosecution, the newly claims 9-11 are added because the Examiner has expressly advised that such subject matter were enabled by the specification of the present application (see, e.g., page 2 and page 8 of the Office Action). The remaining claims 12-29 are similar to claims 9-11 except that the independent claims of claims 12-29 do not recite: 1) the specific mouse dominant color marker, the K14-Ag expression cassette; 2) the number of copies of said insulator; 3) the orientation of insulator and mouse dominant color marker; or 4) 3' or 5' end of said transgene expression cassette at which the insulator and mouse dominant color marker are located.

For the reasons more fully discussed below, Applicants believe that all of claims 9-29 are now in condition of allowance. Applicants respectfully request early and favorable consideration from the Examiner.

### **Claim Rejections under 35 U.S.C. § 112, First Paragraph**

First, the Examiner rejected claims 1-8 as being not enabling under 35 U.S.C. § 112. According to the Examiner, while the present application teaches an expression cassette comprising the mouse agouti cDNA linked to the human K14 promoter, it does not provide support with respect to expression cassette comprising any agouti linked to the human K14 promoter. The Examiner stated that though it is known in the art that agouti exists in many animal species, including animals of the genera *Mus* (mouse) and *Oryctolagus* (rabbits), it is not well known in the art the level of conserved homology that exists between the different agouti genes of non-similar animal species.

In response, claims 9-29 now specifically recite mouse agouti cDNA or mouse cDNA. Hence, the enablement rejection becomes moot for the newly added claims 9-29. Further, as noted above, claims 9-11 are added based on the Examiner's express statement that such subject matters are enabled by the specification.

Second, the Examiner rejected claims 1-8 as failing to comply with the written description requirement under 35 U.S.C. § 112. Specifically, the Examiner pointed out that the present application discloses only one dominant coat color marker, the K14-Ag expression cassette. The Examiner stated: "the instant specification does not describe the coat color phenotype that would have been expressed in a transgenic mouse having cells comprising any coat color marker other than K14-Ag."

Applicants respectfully disagree. In fact, example 2 of the present application uses a vector containing another specific mouse dominant coat color marker, the mouse tyrosinase coat color expression cassette. In addition, the vector in example 2 comprises EGFP transgene expression and chicken insulators for FVB transgenic mouse production. FVB is an albino mouse strain. The tyrosinase gene is mutant and defected for pigment formation. A transgene-expressed transgenic mouse can be identified with coat color change from white to gray because of mouse tyrosinase cDNA gene expression. Therefore, Applicants believe that the present application has provided sufficient support for the "dominant color marker." Without undue experimentation, a person of ordinary skill in the art can find any suitable specific mouse dominant color marker available to him, including the two species used by the examples of the present application, those species taught in the literatures, and any others available from commercial sources.

**Claims rejections under 35 U.S.C. 112, second paragraph**

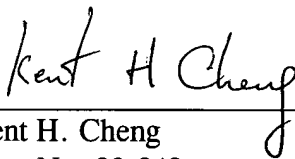
The Examiner rejected claims 1, 7, and 8 under 35 U.S.C. 112, second paragraph because the Examiner deemed several terms used in these claims are unclear.

None of the newly added claims 9-29 now contains any of those terms identified by the Examiner. Hence, this rejection becomes moot.

It is believed that no other fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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